

AMENDED IN ASSEMBLY MARCH 30, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 823

Introduced by Assembly Member Sharon Runner

February 18, 2005

An act to amend Sections 456, 457, and 458 of the Military and Veterans Code, relating to military and veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 823, as amended, Sharon Runner. Military court martial.

The Military and Veterans Code provides that general, special, and summary courts martial have the power to try and adjudge specified members of the military. The authority to adjudge includes specified types of punishment.

This bill would provide that those courts have the power to adjudge any punishment authorized for a court-martial handling analogous charges under the Uniform Code of Military Justice and the federal Manual for Courts-Martial, as provided. This bill would include within the powers of special courts-martial the power to try commissioned officers, and within the powers of summary courts-martial the power to try enlisted members of the unorganized militia unless they object.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 456 of the Military and Veterans Code is amended to read:

456. General courts-martial have power:

(a) To try:

(1) Commissioned officers, warrant officers, and enlisted members of the National Guard.

(2) Commissioned officers, warrant officers, and enlisted members of the unorganized militia whenever they are called out for service of the state.

(b) To adjudge:

(1) Dismissal, in the case of a commissioned or warrant officer.

(2) Dishonorable discharge, in the case of an enlisted member.

(3) Any other punishment authorized for a special court-martial handling analogous charges under the Uniform Code of Military Justice and the federal Manual for Courts-Martial, including, but not limited to, up to one year in confinement.

SEC. 2. Section 457 of the Military and Veterans Code is amended to read:

457. Special courts-martial have power:

(a) To try:

(1) Commissioned officers, warrant officers, and enlisted members of the National Guard.

(2) Commissioned officers, warrant officers, and enlisted members of the unorganized militia whenever they are called out for service with the state.

(b) To adjudge:

Any punishment authorized for a special court-martial handling analogous charges under the Uniform Code of Military Justice and the federal Manual for Courts-Martial, but in no case more than 180 days in confinement.

SEC. 3. Section 458 of the Military and Veterans Code is amended to read:

458. Summary courts-martial have power:

(a) To try:

(1) Enlisted members of the National Guard unless they object thereto.

1 (2) Enlisted members of the unorganized militia whenever
2 they are called out for service of the state, unless they object
3 thereto.

4 (b) To adjudge:

5 Any punishment authorized for a ~~special~~ *summary*
6 court-martial handling analogous charges under the Uniform
7 Code of Military Justice and the federal Manual for
8 Courts-Martial, including, but not limited to, up to 30 days in
9 confinement.

10 SEC. 4. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution
12 because the only costs that may be incurred by a local agency or
13 school district will be incurred because this act creates a new
14 crime or infraction, eliminates a crime or infraction, or changes
15 the penalty for a crime or infraction, within the meaning of
16 Section 17556 of the Government Code, or changes the
17 definition of a crime within the meaning of Section 6 of Article
18 XIII B of the California Constitution.